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Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	NO. CR 12-00767 EJD
)	
Plaintiff,)	
)	
v.)	GOVERNMENT'S REQUEST TO
)	DISMISS INDICTMENT; [PROPOSED]
JUAN VILLALOBOS-PENA,)	ORDER
)	
Defendant.)	
_____)	

COMES NOW THE UNITED STATES OF AMERICA appearing through the undersigned Special Assistant United States Attorney and moves this Honorable Court for an order dismissing without prejudice the above-captioned Indictment. The facts supporting this request are as follows:

On February 8, 2012, a True Bill was returned on an Indictment charging defendant with a single count of violating Title 8, United States Code, Section 1326. The Indictment charged he illegally reentered the United States on October 4, 2011, after being previously deported. The case was assigned to the Honorable Judge D. Lowell Jensen, under Case Number CR 12-00078 DLJ.

1 On October 24, 2012, the United States inadvertently requested a second Indictment
2 against defendant for the same illegal reentry. This Indictment was first filed and assigned to
3 the Honorable Edward J. Davila, under Case Number CR 12-00767 EJD. This second
4 Indictment was a duplicate of the February 8, 2012 Indictment and was sought in error.

5 Accordingly, the government respectfully requests that the above-captioned Indictment
6 be dismissed without prejudice.

7
8 DATED: March 1, 2013

Respectfully submitted,

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10 MELINDA HAAG
United States Attorney

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12 /S/
ANN MARIE URSINI
13 Special Assistant United States Attorney
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) NO. CR 12-00767 EJD
12)
Plaintiff,)
13) ~~PROPOSED~~ ORDER TO DISMISS
v.) INDICTMENT
14)
JUAN VILLALOBOS-PENA,)
15)
Defendant.)
16 _____

17
18 ~~PROPOSED~~ ORDER

19 Upon application of the United States, and good cause having been shown therefor, **IT IS**
20 **HEREBY ORDERED** that the above-captioned Indictment is DISMISSED WITHOUT
21 PREJUDICE.

22 DATED: 3/4/2013

23 
EDWARD J. DAVILA
United States District Court Judge
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25
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